

TWENTY-EIGHTH DAY.

Senate Chamber,
Austin, Texas.

Thursday, Feb. 14, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Williamson:

S. B. No. 516, A bill to be entitled "An Act granting permission to F. B. Reiplinger to sue the State of Texas in the District Court of Medina county, to determine the State's liability, if any, and the amount thereof, if such liability exists, for personal injuries to the said F. B. Reiplinger and for damages to his automobile received on or about September 18, 1928 while driving his automobile near Hondo in Medina county, Texas, on State Highway No. 3; providing for the procedure and rules of evidence in said suit; making an appropriation to pay any judgment that might be obtained in

said suit; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Wirtz:

S. B. No. 517, A bill to be entitled "An Act appropriating to the University of Texas all inheritance taxes to be assessed against the estate of E. D. Farmer, deceased; providing that the amount of said taxes may be paid directly to the Board of Regents of the University of Texas, to be held and administered by said Board of Regents as a special fund to be known as the E. D. Farmer International Scholarship Fund; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator DeBerry:

S. B. No. 518, A bill to be entitled "An Act creating a more efficient road system for Delta county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners' court, etc., and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Williamson:

S. B. No. 519, A bill to be entitled "An Act conferring upon corporations engaged in the business of supplying electric energy and gas, or either, to the public, the right to set their poles, piers, abutments, wires, pipelines, manholes and other fixtures in, along, upon, across and under, any of the public roads, streets, or water of this State, etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Pollard:

S. B. No. 520, A bill to be entitled "An Act regulating commercial colleges; requiring commercial colleges that may hereafter be organized in Texas to comply with their contracts with the students who matriculate with them for the purpose of taking commercial courses in accounting, stenography, telegraphy, typing, and other branches generally included in

the curriculum of such colleges, etc., and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Hornsby:

S. B. No. 521, A bill to be entitled "An Act to amend Article 6675, Revised Civil Statutes of Texas, 1925, making it mandatory to pay registration fee of a motor vehicle, trailer, semi-trailer, or motorcycle used on the public highways of this State to the tax collector of the county in which the owner of such vehicle resides or, if such vehicle is operated wholly by any agent or servant of such owner, in the county in which such vehicle to be registered is being operated, and making it mandatory to show in the application for license the county in which such owner resides, whether or not such vehicle is operated, etc."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Cunningham:

S. B. No. 522, A bill to be entitled "An Act to amend Chapter No. 60 of the Acts of the General and Special Laws of the Fortieth Legislature, First Called Session, approved June 6, 1927, amending Section 2 of said Chapter, so as to provide that the district attorney of the Ninetieth Judicial District of Texas, may employ in lieu of an assistant district attorney, a stenographer, and fixing the salary of a stenographer, and providing that said Act shall take effect from the date of its passage, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Thomason:

S. B. No. 523, A bill to be entitled "An Act amending Chapter 271 passed by the Fortieth Legislature at the Regular Session 1927, fixing the maximum fees and excess fees that may be retained by the county attorney of any county having a population of as many as 27,500 and not more than 40,000 according to the census of 1920, in which county there is no city containing over 35,000 inhabitants and such county attorney performs the duties of a district attorney and where there is no district attorney provided by law to

perform such duties; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Berkeley:

S. B. No. 524, A bill to be entitled "An Act providing for neighborhood roads in Brewster County, Texas, under certain conditions and circumstances; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Small:

S. B. No. 525, A bill to be entitled "An Act to establish and maintain an agricultural experiment station in the North Plains Region of Texas authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station, and empowering said Board to establish and maintain the same, to accept donations of lands, water and money for the establishment of said station, making an appropriation to pay the cost of establishing said station, and for the operation of same and declaring an emergency."

Read first time and referred to Committee on Agricultural Affairs.

By Senator Williamson:

S. B. No. 526, A bill to be entitled "An Act providing for the Motor Vehicle Commission of Texas and vesting it with the powers, duties and functions now vested in the Railroad Commission of Texas under Chapter 270 of the General and Special Laws of the Regular Session of the Fortieth Legislature and all amendments thereto, relating to and regulating motor busses used for the transportation of passengers on the public highways of this State; divesting the Railroad Commission of all said powers, duties and functions; providing for the appointment, term, oath and compensation of the members of the Commission created by this Act; enacting other provisions incidental to the purposes of the Act; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

S. C. R. No. 24.

Senator Woodul sent up the following resolution:

By Woodul. S. C. R. No. 24.

A CONCURRENT RESOLUTION
Memorializing the Congress of the United States of America to extend Federal Aid as relief to Reclamation, Drainage and Levee Districts by means of non-interest bearing loans.

Whereas, The Federal Government has long extended aid by means of loans to districts created to provide for irrigation, drainage and the prevention of floods, in parts of the United States; and certain legislation is now pending in Congress to extend Federal Aid to existing levee, irrigation and reclamation projects in all parts of the Nation, and

Whereas, There are located in the State of Texas many important reclamation districts which were in great part provided to meet the Nation's demand for increased agricultural production during the World War; and have added greatly to the taxable values where same are located, and since the year 1920 there has prevailed a continuous and serious depression in agriculture, and these conditions have imposed heavy taxes and other burdens on the land owners to prepare said lands for cultivation, and

Whereas, These burdens have proved to be oppressive under the existing conditions and in many instances, in the absence of aid, will result in the owners losing their lands; further that if aid is not given at once great loss will result to said districts and the improvements already constructed will deteriorate, and

Whereas, The protective works existing in Texas and elsewhere serve to promote the public welfare and to conserve the public interest in the following particulars, viz: (a) By reason of such works railways and Federal Aid highways carrying interstate commerce may more economically be constructed and maintained: (b) Periodic interruption of the mails, both by rail and by highway carriers, and interruption of the carriage of interstate passengers and freight, are avoided, and

Whereas, Many reclamation projects involve works, and co-ordination of operations, in more than one State; and each and all of the foregoing considerations do arise out of matters, or do affect matters, concerning which the Federal Government has assumed control, or concerning which it has declared a policy of manifest interest, and

Whereas, The problems presented cannot be adequately solved by the several States; therefore, be it

Resolved By the Senate of the Forty-first Legislature of Texas, the House of Representatives concurring, that we do hereby respectfully urge the present Congress of the United States of America to enact into law provisions for adequately extending Federal Aid by means of making loans to existing districts now created under the law for the purpose above stated so that the outstanding obligations of such districts may be refunded and the times for payment extended; the protective works rendered efficient and adequately maintained, and the owners of the protected lands given relief from the present oppressive burdens in building and maintaining said improvements. This we deem to be required to avert a great public calamity of nationwide importance.

Be it further Resolved, That certified copies of this resolution be delivered to our Senators and Representatives in the Congress of the United States.

The resolution was read and referred to Committee on Mining, Irrigation and Drainage.

S. C. R. No. 25.

Senator Pollard sent up the following resolution:

Whereas, Dickson Colored Orphanage, incorporated, executed and delivered a deed on February 9, 1929, conveying to W. H. Francis, Trustee, a tract of land near the Town of Gilmer, Upshur County, Texas the same containing an aggregate of about seven hundred (700) acres all in a solid body, together with all improvements thereon, said improvements consisting of forty (40) buildings on the campus, thirteen (13) buildings, including barns, on the farm, upwards of 30 cattle, several teams of mules, with harness, miscellaneous farm

equipment and a good fence enclosing all of said land, part of which is hog wire fence, all of which land and improvements constitute the Dickson Colored Orphanage; and

Whereas, It is provided in said deed that the title to said property and improvements is to be transferred by said trustee to the State of Texas at any time after the donation aforesaid has been accepted by the State and the Legislature should express a desire to have such transfer made; and

Whereas, it has been determined that the property herein is suitable for a state orphanage for colored children and is well located with reference to the colored population of the State of Texas and for the purpose for which it is maintained, and it having been made to appear that the same is now vested in fee simple in W. H. Francis, Trustee, as aforesaid, and that he is now ready, willing and anxious to execute and deliver his deed conveying the property to the State for the purpose herein set forth; and,

Whereas, the State of Texas has not established and does not maintain an orphanage asylum for indigent colored children; and,

Whereas, the State of Texas, acting by and through the Legislature, desires to show its appreciation of its colored citizenship by making ample provision for the maintenance, education and training of its indigent colored children;

Therefore, be it Resolved by the Senate of Texas, the House of Representatives concurring,

That the donation on the part of the Dickson Colored Orphanage, incorporated, of the lands and premises and improvements herein, and described in the deed conveying the property to W. H. Francis, Trustee, in trust for the State of Texas for the establishment of an orphan asylum for colored children, be and the same is hereby accepted and said trustee is hereby directed to execute and deliver the proper deed conveying said land and premises unto the State of Texas for the purpose herein specified, free from all debts, liens or encumbrances of any character whatsoever. The instrument to be executed and delivered shall be drawn by the Attorney General, and, after its execution shall be delivered to the State Board of Con-

trol of this State to be by it filed and recorded in the county clerk's office of Upshur County, Texas;

Be it further resolved that thanks be extended to the donors of the property and that deep appreciation of the truly patriotic motives impelling such donation be and the same are hereby expressed on behalf of the Legislature as well as the State and the general public to the Dickson Colored Orphanage, incorporated, as well as to the good people of the City of Gilmer, Texas;

Be it further resolved that a copy of this resolution be forwarded to said donors and a copy hereof be furnished W. H. Francis, Trustee, for his information and guidance.

The resolution was read first time and referred to the Committee on Finance.

Bills Signed.

The Chair Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 29.
S. B. No. 32.
S. B. No. 33.
S. B. No. 34.
S. B. No. 13.
H. B. No. 153.
H. B. No. 276.
H. B. No. 195.
H. B. No. 165.
H. B. No. 46.
H. B. No. 57.
H. B. No. 59.

House Bill No. 109.

The Chair laid before the Senate on third reading the following bill:
By Mr. Cox of Navarro:

H. B. No. 109 A bill to be entitled "An Act to require all persons who teach in the public schools to be American citizens."

The bill was read third time and finally passed.

House Bill No. 523.

The Chair laid before the Senate on second reading the following bill:

By Mr. Land:

H. B. No. 523, A bill to be entitled "An Act to levy and collect annually a three-dollar road tax against all

able-bodied male citizens of Childress county, Texas, who are between the ages of twenty-one and forty-five years; providing the manner of assessment and collection of said tax."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 523 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Hardin.	Neal.
Moore.	

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Hardin.	Neal.
Moore.	

House Bill No. 557.

The Chair laid before the Senate

on second reading the following bill:

By Mr. Graves:

H. B. No. 557 A bill to be entitled "An Act to amend Chapter 78 of the Local and Special laws adopted by the Thirty-sixth Legislature, same being a special road law for Erath county, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Hardin the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 557 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

Message From the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

To the Honorable Senate of the State of Texas, Capitol:

Gentlemen:

I hand you herewith list of persons appointed by me to the offices set opposite their names, and for the statutory term of office next ensuing, subject to the confirmation by the Senate, viz:

State Text Book Commission—
Nat Washer of Bexar County, A. L. Day of Hunt County, J. G. Dunlap of Johnson County, Mrs. Kathryn Robbins of Milam County, Miss Catherine Gorbut of El Paso County; Tom Garrard of Lubbock County, J. C. Cochran of Val Verde County.

To be district judge of the One Hundred and Ninth Judicial District—J. A. Drane of Reeves County.

To be district judge of the One Hundred and Tenth Judicial District—Kenneth Bain of Floyd County.

To be district attorney of the One Hundred and Tenth Judicial District—A. J. Folley of Floyd County.

To be district judge of the One Hundred and Eleventh Judicial District—John A. Valls of Webb County.

To be district attorney of the Forty-ninth Judicial District—(and succeed John A. Valls as such district attorney.)—R. L. Bobbitt of Webb County.

Banking Commissioner of Texas—James Shaw of Williamson County.

State Board of Public Accountancy—Y. D. Harrison, Jr., of Tarrant County.

Members of Texas Prison Board—
W. M. Odell of Tarrant County, to succeed himself; Joe Wearden of Goliad County, to succeed himself; F. L. Tiller of Fort Bend County, to succeed himself; J. B. H. Holdrby of Tarrant County, to succeed the unexpired term of A. H. Carrigan of Wichita County.

Yours very truly.

(Signed) DAN MOODY.

Read and referred to the Committee on Governor's Nominations.

House Bill No. 565.

The Chair laid before the Senate on second reading the following bill:

By Mr. Kincaid:

H. B. No. 565, A bill to be entitled "An Act to levy and collect annually a Three Dollar road tax against all able-bodied male citizens of Foard County, Texas, who are between the ages of twenty-one and forty-five years; providing the manner of assessments and collection of said tax, and repealing all laws in conflict therewith, and declaring an emergency.

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 565 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Feb. 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 36, A bill to be entitled "An Act to amend Article 1052, Title 15, Chapter 3, of the Code of Criminal Procedure of the State of Texas, Revision of 1925, so as to provide fees for the courts in misdemeanor cases, and to relieve the courts of any interest in the result of the trial, and declaring an emergency."

With amendments.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 162 by a vote of 117 yeas and no nays.

The House has concurred in Senate amendments to H. B. No. 59 by a vote of 116 yeas and no nays.

The House has concurred in Senate amendments to H. B. No. 57 by a vote of 110 yeas and no nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 87.

Senator Berkeley called up from the table the following bill:

By Mr. McGill:

H. B. No. 87, A bill to be entitled "An Act to amend Article 7117 of Chapter 5 of Title 122, of the Revised Civil Statutes of Texas, 1925 codification, so as to exempt from inheritance tax intangible personal property of a non-resident who was, at the time of his death, a resident of a State or Territory of the United States or of a foreign country which did not impose a transfer or inheritance tax of any character in respect of intangible personal prop-

erty of residents of this State."

The bill passed to third reading.

On motion of Senator Berkeley the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 87 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Parr.	

Nays—1.

DeBerry.

Absent—Excused.

Hardin. Neal.
Moore.

Senate Bill No. 3.

The Chair laid before the Senate as pending business the following bill:

S. B. No. 3, A bill to be entitled "An Act declaring the permanent policy of the people of Texas and the Legislature thereof with reference to public free schools, and for

the purpose of promoting the public school interests of Texas, etc."

Senator Greer sent up the following substitute for the bill:

By Senator Greer:

"An Act appropriating two million eight hundred thousand dollars (\$2,800,000.00) per year, or so much thereof as may be necessary for the next two fiscal years for the purpose of promoting rural school education and equalizing the school opportunities afforded by the State to all children of scholastic age living in small and financially weak districts; authorizing the State Board of Education and State Superintendent of Public Instruction to aid such schools in accordance with conditions herein specified; providing for the maintenance by all rural schools which meet the requirements of this Act a term not exceeding seven months out of State school funds; providing limited equipment for rural schools that will afford instruction and demonstration on home and farm vocations; providing assistance in the formation and maintenance of rural high school districts according to a countywide plan; providing for the use of an amount not to exceed three hundred thousand (\$300,000.00) dollars for the payment each year of the biennium of high school tuition of rural school pupils according to the provisions of Chapter 181, General Laws of the State of Texas, Fortieth Legislature, Regular Session; providing for the administration of the funds appropriated herein by the State Board of Education and the State Superintendent of Public Instruction; providing for the manner of payment and disbursement of all moneys granted under the provisions of this Act; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

The substitute was read.

Picture Unveiled.

At 11:00 o'clock a. m., the Chair announced that the hour for the unveiling of the picture of Major-General Beaumont B. Buck had arrived.

The reception party was admitted to the Chamber and conducted General Buck to the platform.

The Chair introduced Governor Dan Moody who presented to the State of Texas the portrait of General Buck.

The Chair recognized Senator Holbrook who offered the following resolution:

SENATE SIMPLE RESOLUTION. NO. 69.

By Senator Holbrook.

Whereas, the Texas Department Reserve Officers' Association of the United States has, through the generosity of its members, donated to the State of Texas, through its Board of Control, a splendid painting of Major General Beaumont B. Buck, of San Antonio, Texas; and

Whereas, said painting has been placed in the Senate Chamber where the memory of the man and his distinguished service to his State and the nation may look upon it and keep fresh in their minds the recollection of his heroic deeds; and

Whereas, in this connection it is fitting to record in the annals of this body a short record of his career, which is as follows:

"General Buck is a native of Texas, having spent his early days in and around Dallas. He came of poor but respectable parentage and made his way in the world by travelling the road of 'hard knocks,' much the same as many another Texas boy has written his name on the scroll of immortals. He was graduated at West Point in June, 1885.

"His first assignment to duty was at Laredo, Texas, and he served at various stations in the West until the out-break of the Spanish-American War, when he became Major of the 2nd Texas Volunteer Infantry.

"After the termination of the Spanish-American War he was ordered to the Phillipines where he participated in many scouts, expeditions and skirmishes, being in command in four combats, in all of which he was successful.

"He was recommended for brevet Rank by his Brigade Commander and was selected to guide a successful night flank attack on San De Defonso in November 1899.

"Later in command of the Abulug sub-district, North Coast of Luzon, he suppressed raiding parties of the Colingas, head hunters from the interior, and maintained peace and quiet until his return to the U. S. in 1902.

"He graduated from the Field Officers Course, Army Staff College,

in 1908 and from the Army War Colleges in Washington in 1909 and served as Instructor in the War College for the class of 1910.

"In 1912 while Assistant Adjutant General, Philippine Division, he was sent by his Division Commander on a confidential mission to Peking, China.

"He was promoted to Lieutenant Colonel in 1914 and was assigned to the 9th Infantry at Laredo, for duty on the Mexican border.

"In 1916 while serving as Instructor-Inspector, Mass. National Guard, he mobilized and dispatched five regiments of infantry, one regiment of field artillery, and auxiliary troops to the Mexican border.

"On June 12, 1917, he sailed for France in command of the 28th Infantry arriving at Saint Nazaire with the 1st Division on June 28th and directed the intensive training of his regiment until August 1917.

"He was promoted to Brigadier General August 17, 1917, and assigned to command the 2nd Infantry Brigade, 1st Division.

"He was present in the Sommevilliers Sector, November 3, 1917, when the first raid against our troops was executed, in which the first American blood was shed by our Army in France.

"On May 28th, under General Buck's command, the 2nd Brigade executed the first all American offensive in the war, attacking and capturing Cantigny and holding it against seven counter attacks. No enemy, except as prisoners, ever set foot in Cantigny again.

"General Buck was awarded the distinguished service cross by the War Department Order 109, the following being an extract from that order.

" 'Beaumont B. Buck, Brigadier General 2nd Infantry Brigade. Before and during the attack on Berzy-le-Sec, France, July 21, 1918, he displayed conspicuous gallantry and heroic leadership of his command.

" 'When most of the officers of his brigade had fallen, Gen. Buck, with contempt of personal danger and in spite of heavy artillery bombardment and machine gun fire, traversed the front of his advancing forces, gave correct directions to his organization commanders and led the first wave of the culminating

attack which stormed and captured the town.'

"For this act General Buck was made a Chevalier of the Legion of Honor, by the Commander of the 10th French Army and also awarded the Croix de Guerre with palm.

"On Aug. 27, 1918, he was promoted to Major General and took command of the 3rd division.

"On Sept. 30, the 3rd Division began on its active participation in the Meuse Argonne drive. Twenty-eight days of continuous fighting followed, in which shot and shell, gas, mud, rain, wire entanglements, trenches, shell holes, demolished houses and forests had to be overcome.

"Here the enemy had determined that they would give no ground and that the American Troops should not advance.

"Hunger, thirst, fatigue and death were ever present, heroic perseverance and sacrifice were necessary.

"In the midst of this desperate fighting, General Buck, eager to hasten the withdrawal to which the enemy had been forced, slowly and doggedly, day by day, went forward to Madeline farm, more than two miles in front of the Division headquarters to see, urge and help his dwindling units. While at Madeline farm he was gassed so that for four days he lost his voice entirely, and for about a week he could not lie down, day or night, on account of violent coughing while in a recumbent position.

"General Buck was then relieved and placed in command of the 34th Division at Bordeaux.

"Shortly afterwards he was ordered to the United States to assist in the training of troops there, in accordance with General Pershing's idea that 'Divisions, Brigades, etc., require in their organization the training and services of officers who have had actual experience in the A. E. F.

"He sailed on Nov. 6th. On Nov. 11 the French Government made General Buck a Commander in the Legion of Honor.

"In May, 1919, General Buck reverted to the rank of Colonel, in accordance with the general plan of demotion put into effect by the War Department.

"He was given the choice of sev-

eral commands and selected that of the Laredo district on the Texas border.

"In March, 1920, he was assigned to command the 20th Infantry and reached Camp Travis, San Antonio, Texas, with that regiment on September 29th.

"On August 7, 1921, he was assigned to the Organized Reserve and on Aug. 11th he became president of the Board of Allocation, which was charged with the duty of placing all reserve military units in the State of Texas.

"In November he was made Chief of Staff of the 90th Division.

"The Reserve Divisions, in many states, had been largely organized before the work in the 90th was begun.

"The 90th Division is Texas' own unit, it is officered throughout by Reserve Officers, citizens of this State, and in time of emergency its ranks will be filled by Texas men.

"General Buck did his last great military work in the 90th Division.

"Under his expert guidance, untiring effort, and wise and courteous personality the 90th Division was rapidly and effectively organized and from being the last it soon became the first Reserve Division in all the United States, in completeness of organization.

"General Buck retired from active duty on January 16, 1924, having reached the legal age limit in the United State Service, respected, honored and admired by the Reserve Officers of Texas and the citizens of the Texas communities in which he had been stationed."

Therefore, be it resolved by the Senate of Texas, That this splendid painting of General Buck, which was executed by Mrs. F. I. Elgin, wife of Captain F. I. Elgin, of the Air Service, be accepted by the Senate of Texas with profound thanks to the Texas Department Reserve Officers Association of the United States as a testimonial of the high regard and grateful appreciation which said Association holds for General Buck. Mindful of the debt of gratitude which the nation and the world owes to this distinguished son of Texas, and remembering the great love which all of his fellow citizens have and hold for him, we accept it and trust that it will be an inspiration to all of

the sons of Texas who shall through coming time look upon it.

General Buck was a great soldier, a great leader, and the people of Texas will remember his name with reverence as long as they love their country and as long as patriotism endures.

The resolution was read and unanimously adopted by a rising vote.

The Chair introduced Senator Holbrook who introduced General Buck.

General Buck briefly addressed the Senate, expressing his thanks.

Simple Resolution No. 70.

Senator Williamson sent up the following resolution:

Be It Resolved By the Senate of the State of Texas that Honorable W. A. Wurzbach, President of the International Exposition and Live Stock Show, who is now on the floor of the Senate, is hereby extended the privilege of speaking to the Senate for the purpose of making whatever remarks or invitation he desires to make in reference to the International Exposition and Live Stock Show to be held in San Antonio in the near future.

The resolution was read and adopted.

The Chair introduced Mr. Wurzbach who extended to the Senate an invitation to attend the International Exposition and Live Stock Show March 2.

On motion of Senator Small, the invitation was accepted.

Recess.

On motion of Senator Thomason, the Senate, at 11:55 o'clock a. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Senate Bill No. 3.

The question recurred on Senator Greer's substitute for S. B. No. 3.

Senator Pollard sent up the following amendment:

Amend S. B. No. 3 by striking out the words and figures \$5,000,000

and insert in lieu thereof the words and figures \$3,000,000.

The amendment was read.

On motion of Senator Pollard, the bill was laid on the table subject to call.

Senate Bill No. 88.

The Chair laid before the Senate, as special order, the following bill:

S. B. No. 88, A bill to be entitled "An Act to amend Article 941 of the 1925 Penal Code of the State of Texas so as to make it unlawful for any person to place, set, use or drag any seine, net or other device for taking fish and shrimp other than the ordinary pole and line, trot line, set line, or cast net or minnow seine not more than twenty feet in length for catching bait within the coastal or tidal salt waters of Texas, except the Gulf of Mexico beyond one mile of any pass leading from the Gulf of Mexico to any bay, lake, lagoon, bayou or other body of such water; providing for use of spear, gig or light for taking flounders in such waters except during the months of November and December of each year; providing for confiscation of nets, seines and other tackle for evidence, and providing for penalties and declaring an emergency."

Senator Stevenson received unanimous consent to withdraw his amendment.

Senator Holbrook sent up the following amendments:

By Senator Holbrook:

Amend Caption of S. B. No. 88 by striking out everything beginning with the words "trot" in line 11 and ending with the word "year" in line 18 of the Caption and adding in lieu thereof the following: "Casting rod and reel, artificial bait, trot line, set line or cast net or minnow seine of not more than twenty feet in length for catching bait or have in his possession any seine, net or trawl without a permit issued by the Game, Fish and Oyster Commissioner or by his authorized deputy in or on any of the waters of certain bays, streams, bayous, canals, lakes or passes, or within one mile of any Gulf pass in this State; providing for the use of spear or gig and light for taking flounders; prohibiting the dragging of any seine or the use of any drag seine or shrimp trawl

for catching fish or shrimp or the taking or catching of fish or shrimp with any device other than the ordinary pole and line, casting rod, rod and reel, artificial bait, trot line, set line or cast net or minnow seine of not more than twenty feet in length for catching bait or the use of a set net, trammel net or strike net, meshes of which shall not be less than one and one-half inches from knot to knot in certain bays or parts of bays in this State; providing that shrimp trawls may be used for taking shrimp in Matagorda Bay, San Antonio Bay and certain portions of Aransas Bay and Corpus Christi Bay; providing for a size limit on shrimp with exceptions; providing that any cork line or lead line attached to any set net, strike net or trammel net shall not be of a size greater than one-fourth inch in diameter; providing a size limit on speckled sea trout, red fish, drum, flounder and sheephead; repealing all laws or parts of laws in conflict herewith; providing when this Act shall take effect, and declaring an emergency.

The amendment was read and adopted.

Amend S. B. No. 88 by striking out everything in Section 1 of the body of the bill beginning with the word "trot" in line 27, page 1, and adding in lieu thereof the following: "casting rod and reel, artificial bait, trot line, set line, or cast net or minnow seine of not more than twenty feet in length for catching bait, or have in his possession any seine, net or trawl without a permit issued by the Game, Fish and Oyster Commissioner or by his authorized deputy in or on any of the waters of any of the bays, streams, bayous or canals of Orange, Jefferson, Chambers, Harris, Galveston and Brazoria counties, or in or on any of the inland waters, streams, lakes, bayous or canals of Matagorda county, or within or on the waters of Agua Dulce Creek, Oso Creek, Shamrock Cove, Nueces Bay, Ingleside Cove; Red Fish Cove, Shoal Bay, Mud Flats, Shallow Bay, which are more clearly defined as beginning at the Southwest end of "Red Fish Cove," thence South on a line intersecting Corpus Christi Channel, and all the waters lying from this line, the said channel, and between

Harbor Island and the Mainland to Aransas Bay; all of Aransas Bay between Port Aransas and Corpus Christi Bayou and lying between Harbor Island and Mud Island; Copano Bay, Mission Bay in Refugio county, Puerto Bay, St. Charles Bay, Hynes Bay, Contec Lake, Powderhorn Lake, Oyster Lake; Sabine Pass, leading from Sabine Lake to the Gulf of Mexico; San Louis Pass, leading from Galveston West Bay to the Gulf of Mexico; Turtle Bay, Brown's Cedar Pass, Mitchell's Cut, Pass Cavallo, leading from Matagorda Bay to the Gulf of Mexico; Cedar Bayou, leading from Mesquite Bay to the Gulf of Mexico; North Pass or St. Jo. Pass; Aransas Pass, leading from Aransas Bay to the Gulf of Mexico; Corpus Christi Pass leading from Corpus Christi Bay to the Gulf of Mexico; Brazos Santiago Pass, leading from the Lower Laguna Madre to the Gulf of Mexico, or the pass on the north of Laguna Madre, leading into Corpus Christi Bay, which pass shall be defined as beginning one-fourth of a mile southwest of Peat Island and running from said point to Flour Bluff in Nueces county, or in or on the waters within one mile of the passes herein mentioned, connecting the bays and tidal waters of this State with the Gulf of Mexico or in or on or within a mile of any other such passes, or within the waters of any pass, stream or canal leading from one body of Texas bay or coastal waters into another body of such waters; providing that nothing in this article shall prevent the use of spear or gig and light for the purpose of taking flounders.

"Sec. 1a. Provided that it shall be unlawful for any person to drag any seine, or use any drag seine, or shrimp trawl for catching fish or shrimp, or to take or catch fish or shrimp with any device other than with the ordinary pole and line, casting rod, rod and reel, artificial bait, trot line, set line, or cast net, or minnow seine of not more than twenty feet in length for catching bait, or to use a set net, trammel net or strike net, the meshes of which shall not be less than one and one-half inches from knot to knot, in any of the tidal bays, streams, bayous, lakes, lagoons, or inlets, or parts of such tidal waters of this State

not mentioned in Section 1 hereof.

"Sec. 1b. Provided that shrimp trawls may be used for taking shrimp in Matagorda Bay, San Antonio Bay or that part of Aransas Bay and all that part of Corpus Christi Bay not mentioned in Section 1.

"Sec. 1c. Provided that it shall be unlawful to attach to any set net, strike net or trammel net used in any of the waters of any of the tidal bays, streams, bayous, lakes lagoons or inlets of this State, any cork line or lead line of a size greater than one-fourth inch in diameter.

"Sec. 1d. Provided that it shall be unlawful to take any shrimp from any of the waters of this State of less length than five and one-half inches; provided that fifteen per cent of any cargo of shrimp may be of less size.

"Sec. 1e. Provided that it shall be unlawful for any person to take, or have in his possession in this State, any speckled sea trout of less length than fourteen inches, any red fish of less length than fourteen inches or of greater length than thirty-two inches, or any drum of less length than eight inches or of greater length than twenty inches, any flounder of less length than twelve inches, or any sheephead of less length than eight inches.

"Section 1f. Any person who shall violate any of the provisions of this Article shall be deemed guilty of a misdemeanor, and on first conviction shall be fined in a sum of not less than twenty-five (\$25) dollars nor more than one hundred (\$100) dollars; and on second or more convictions shall be fined in a sum not less than one hundred (\$100) dollars nor more than two hundred (\$200) dollars and his fisherman's license or dealer's license or both shall be automatically canceled and he shall not be entitled to receive another fisherman's license or dealer's license for one year from the date of his conviction; and provided that the Game, Fish and Oyster Commissioner of Texas or his deputy shall have the power and right to seize and hold nets, seines or other tackle in his possession as evidence until after the trial of defendant and no suit shall be maintained against him therefor.

"Sec. 1g. All laws or parts of

laws in conflict herewith are hereby expressly repealed."

The amendment was read and adopted.

By Senator Holbrook:

Amend S. B. No. 88 by striking out the words "its passage" in line six page three, of the emergency clause and adding in lieu thereof the following: "January 1, 1930."

The amendment was read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 88 was put on third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed.

Message from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives, Austin, Texas, Feb. 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 18, Providing for printing in the manual the amendments to the Constitution adopted in November, 1928.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 407.

Senator Hyer received unanimous consent to take up out of its regular order the following bill:

S. B. No. 407, A bill to be entitled "An Act to amend Article 2784, Revised Statutes of 1925, to fix the maximum rate of tax to be levied for school purposes in all school districts including independent districts, consolidated districts, rural high school districts and common school districts organized under general or special laws; repealing all laws in conflict herewith both general and special; and declaring an emergency."

The committee report was adopted.

Senator Hyer sent up the following amendment:

Amend S. B. No. 407, Senate Journal, page 415, second column, by striking out all of paragraph 5 from Section 1.

The amendment was read and adopted.

Amend S. B. No. 407 by striking out all above the Enacting Clause and insert in lieu thereof the following:

A BILL

To Be Entitled.

An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city which had more than 100,000 population and fewer than one hundred ten thousand population according to the Federal census of 1920, whether under general or special law, repealing all laws in conflict herewith, both general and special, and declaring an emergency.

The amendment was read and adopted.

Amend S. B. No. 407, Senate Journal, page 415, first column, by striking out all of Section 1 down to and including paragraph 2 and insert in lieu thereof the following:

Section 1. In any independent school district including within its limits a city which had a population of more than one hundred thousand and fewer than one hundred and ten thousand according to the Federal census of 1920, the school district trustees of the independent district or the city council or commission of any such city which has heretofore assumed control of its

public schools shall have the power to levy and cause to be collected the annual taxes and to issue the bonds herein authorized subject to the following provisions:

(1) For the maintenance of the public schools therein an ad valorem tax not to exceed \$1.50 on the one hundred dollars valuation of taxable property of the district or the city;

(2) For the purchase, construction, repair or equipment of public free school buildings within the limits of such districts and the purchase of the necessary sites therefor, a tax not to exceed fifty cents on the one hundred dollars valuation, such tax to be for the payment of the current interest on and provide a sinking fund sufficient to pay the principal of bonds which said districts are empowered to issue for such purposes.

The amendment was read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Hyer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 407 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—29.

Beck.	Cunningham.
Berkeley.	Gainer.
Cousins.	Greer.

Hardin.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.
Martin.	Westbrook.
McFarlane.	Williamson.
Miller.	Wirtz.
Moore.	Witt.
Parr.	Woodul.
Parrish.	Woodward.
Patton.	

Present—Not Voting.

DeBerry.

Absent—Excused.

Neal.

Motion to Set Special Order.

Senator Holbrook moved to set S. B. No. 342 as special order for Monday morning after the morning call.

Senator Cousins moved as a substitute that S. B. No. 342, S. B. No. 410 and S. B. No. 415 be set as special orders for Monday after the morning call.

The substitute motion prevailed.

Motion to Concur.

Senator Woodward moved that the Senate concur in the House amendments to S. B. No. 36.

Senator Miller moved, as a substitute that the Senate refuse to concur in the House amendments and ask for a Free Conference instead.

The substitute motion prevailed by the following vote:

Yeas—12.

Berkeley.	Miller.
Cunningham.	Parr.
DeBerry.	Patton.
Hyer.	Small.
Love.	Thomason.
McFarlane.	Westbrook.

Nays—8.

Greer.	Stevenson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Martin.	Woodward.

Present—Not Voting.

Gainer.

Absent.

Beck.	Russek.
Cousins.	Williamson.
Parrish.	Woodul.
Pollard.	

Absent—Excused.

Hardin.	Neal.
Moore.	

The Chair announced the appointment of the following Free Conference Committee on part of Senate on S. B. No. 36:

Miller, Woodward, Martin, Stevenson, and Hornsby.

Senate Bill No. 425.

The Chair laid before the Senate on third reading the following bill:

S. B. No. 425 A bill to be entitled "An Act requiring trustees of public school districts to provide a suitable United States flag for each school building of the district; requiring the State, city and county superintendent to issue and have observed the necessary instructions for the proper display and protection of the flag, and prescribing a penalty for violation of the provisions of this Act."

The bill was read third time and finally passed.

Addition to Committee.

The Chair announced the appointment of Senator Thomason to the Committee to go to Meridian following the resignation of Senator Moore from the Committee.

Senate Bill No. 366.

Senator Parr called up from the table the following bill:

S. B. No. 366 A bill to be entitled "An Act to provide for the eradication in the State of Texas of the fever-carrying tick, *Margaropus Annulatus*, and making it the duty of the inspectors of the Live Stock Sanitary Commission to supervise the dipping of cattle, horses, mules, jacks and jennets for the eradication of said fever-carrying tick, *Margaropus Annulatus*, from said live stock and from the premises, lands, territory, counties and parts of counties in the State of Texas, and for the removal of exposure to said fever-carrying tick, *Margaropus Annulatus*, and authorizing and

requiring said Commission to establish necessary quarantines for the purpose of controlling and restricting the movement of said live stock and for the purpose of preventing the spread of said infection and exposure to said fever-carrying tick, *Margaropus Annulatus*, and to eradicate the same and requiring the county commissioners' courts to cooperate with said Commission in said work, etc., and declaring an emergency."

Senator Parr sent up the following amendment:

Amend S. B. 366 by adding after the word "Act" line 23 page 27 of the printed bill the following:

The written dipping direction herein provided shall give such reasonable description of the premises as will enable the person to whom the same is directed to know just what premises are referred to in said written dipping direction. Local quarantines established in the Free Area shall also contain a reasonable description of the quarantined premises. It shall not be necessary to describe premises by metes and bounds or field notes, but if the reference to said premises reasonably informs said person what premises are referred to, the same shall be sufficient.

The amendment was read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 366 was

put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Hardin. Neal.
Moore.

The bill was read third time and finally passed.

H. C. R. No. 18.

The Chair laid before the Senate on first reading the following resolution:

H. C. R. No. 18, Providing for printing in the Manual the amendments to the Constitution adopted in November, 1928.

The resolution was read and adopted.

Senate Bill No. 321.

The Chair laid before the Senate on third reading the following bill:

S. B. No. 321 A bill to be entitled "An Act to amend Article 5338 of the Revised Civil Statutes of 1925 so as to withdraw from lease or sale or mineral permit all oil and gas upon and under any river beds and channels belonging to the public school, University, asylum land, or other public lands within the State of Texas, and declaring an emergency."

The bill was read third time and finally passed by the following vote:

Yeas—22.

Beck.	Parr.
Berkeley.	Patton.
Cousins.	Russek.
Cunningham.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.

Nays—4.

DeBerry.	Miller.
Love.	Pollard.

Absent.

Hyer.	Woodul.
Parrish.	

Absent—Excused.

Moore.	Neal.
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Motion to Set Special Order

Senator Wirtz moved to set S. B.

No. 504 as second special order Tuesday.

Senator Love moved to table the motion. The motion to table was lost by the following vote:

Yeas—4.

Cousins.	Hyer.
Greer.	Love.

Nays—22.

Beck.	Patton.
Berkeley.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Martin.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Parr.	Woodward.

Absent.

Woodul.	Parrish.
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Absent—Excused.

Hardin.	Neal.
Moore.	

The motion by Senator Wirtz prevailed.

Senate Bill No. 221.

Senator Witt called up from the table the following bill:

S. B. No. 221 A bill to be entitled "An Act relating to and regulating the furnishing of free text books for public free schools of this State; amending Section 30, 31, 33, 34, 39 and 40, and repealing Section 41, of Chapter 176 of the General Laws of the Regular Session of the Thirty-ninth Legislature of this State; providing for the setting aside of funds for free text books used in the public free schools of this State; providing for reports as to the funds for said text books; providing for the distribution of the amount set aside for free text books direct to the schools using such books and the purchase of same by such schools themselves from the various text book depositories or agencies, and providing that any free text book moneys not used by any such school shall become a part of its available school moneys and may be used by it for general school purposes; making the necessary changes in the Statutes to ac-

comply the main purpose of this Act; and declaring an emergency."

Senator Thomason moved to lay the bill on the table subject to call.

Senator Witt moved to table the motion.

The motion to table prevailed by the following vote:

Yeas—15.

Beck.	Patton.
Berkeley.	Small.
DeBerry.	Stevenson.
Gainer.	Williamson.
Greer.	Wirtz.
Hyer.	Witt.
Miller.	Woodward.
Parr.	

Nays—12.

Cousins.	McFarlane.
Cunningham.	Pollard.
Holbrook.	Russek.
Hornsby.	Thomason.
Love.	Westbrook.
Martin.	Woodul.

Absent.

Parrish.

Absent—Excused.

Hardin.	Neal.
Moore.	

The bill passed to engrossment by the following vote:

Yeas—14.

Beck.	Small.
Gainer.	Stevenson.
Holbrook.	Westbrook.
Miller.	Wirtz.
Parr.	Witt.
Parrish.	Woodul.
Patton.	Woodward.

Nays—3.

Cousins.	Pollard.
McFarlane.	

Absent.

Berkeley.	Williamson.
Greer.	

Absent—Excused.

Neal.

(Pairs Recorded.)

Senator Cunningham (present), who would vote nay with Senator Moore (absent), who would vote yea.

Senator DeBerry (present), who would vote nay with Senator Hardin (absent), who would vote yea.

Senator Hornsby (present), who would vote no with Senator Hyer (absent), who would vote yea.

Senator Love (present), who would vote nay with Senator Martin (absent), who would vote yea.

Senator Thomason (present) who would vote nay with Senator Russek (absent), who would vote yea.

House Bill No. 481.

Senator Gainer received unanimous consent to take up out of its regular order the following bill:

By Mr. Sinks:

H. B. No. 481, A bill to be entitled "An Act to levy and collect annually a five dollar road tax against all able-bodied male citizens of Lee county who are subject to road work under the General Laws of this State, who are between the ages of twenty-one and forty-five years."

The rule requiring committee report to lie over one day was suspended by unanimous consent.

The committee report was adopted.

On motion of Senator Gainer, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 481 was put on its second reading by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Hardin.	Neal.
Moore.	

The bill was read second time and passed to third reading.

On motion of Senator Gainer, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 481 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Hardin.	Neal.
Moore.	

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	Woodul.

Absent—Excused.

Hardin.	Neal.
Moore.	

S. C. R. No. 26.

Senator Pollard sent up the following resolution:

By Pollard S. C. R. No. 26.

Whereas, The Board of Prison Commissioners of Texas now has on hand many thousands of pounds of raw cabbage, together with hundreds of barrels and cans of kraut and other farm products which can be used by the Eleemosynary Institutions of Texas; and,

Whereas, The Board of Control purchases thousands and thousands of dollars worth of farm products annually for the Eleemosynary Institutions; and,

Whereas, The dormitories and

cafeterias of the various Eleemosynary Institutions purchase thousands and thousands of dollars worth of farm products annually, all of which products may be profitably grown by the Penitentiary System and sold to the various State Institutions at a profit to the Penitentiary System and a great saving to the State of Texas; therefore, be it

Resolved By the Senate of Texas, and the House of Representatives concurring, that the Board of Control of the State of Texas and the Board of Prison Commissioners of the State of Texas are hereby authorized, empowered and instructed to enter into an agreement whereby the Penitentiary System will grow, produce and sell farm products to the various State Institutions at a price not to exceed the lowest bid which the Board of Control may receive from competitive bidders for the various products grown and offered for sale by the Penitentiary System of Texas.

The resolution was read and adopted.

Senate Bill No. 296.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 296, A bill to be entitled "An Act to provide that in the event there should be awarded to the State of Texas by the final decree of the United States Supreme Court at Washington, D. C., in its final judgment in the suit of the State of Oklahoma against the State of Texas, the United States, Intervenor, any area of land along the 100th degree west longitude adjacent to the east side of the Panhandle of Texas and the west side of the State of Oklahoma, such area shall upon the happening of that event, be and become a portion, part and parcel of land incorporated into the several counties of the State of Texas adjacent thereto for all governmental purposes by the extension of the North and South boundary lines of same east to the true 100th degree of west longitude as may be fixed by said court; to withhold said area for final disposition by future legislation; to provide for the ascertainment of the character of the land and improvements thereon and the kind and character and status of all claims of right and title thereto; to

provide for one claiming a right therein to proceed to establish such right, and declaring an emergency."

The bill was read second time.

Senator Small sent up the following amendments:

Amend by striking out Section 3 and substituting in lieu thereof the following:

"Sec. 3. The Commissioner of the General Land Office shall immediately proceed to ascertain the number of acres of said land, its probable value per acre in each of said counties as the lines thereof have been extended by this Act, the nature and value of the improvements thereon, the nature of the occupancy and length of time of same by those who are occupying any of said land under any claim of title, the nature and character of such claim and title thereto, if any, and all such other information as to him may be deemed of service to the Legislature. All such information so acquired shall be immediately transmitted to the Legislature, if then in session, and if not in session, to the Governor of the State."

The amendment was read and adopted.

Amend by adding after Section 3, Section 3a, as follows:

"Sec. 3a. This Act shall be in force and go into effect immediately upon the approval by the Supreme Court of the United States of the report of the Commissioner appointed by said Court to locate and mark upon the ground the 100th degree of West Longitude and the line for which provision is herein made to which the lines of the several counties herein mentioned shall be extended, shall be the line fixed by the Supreme Court of the United States in its approval of the report of said Commissioner."

The amendment was read and adopted.

Amend Section 1 by adding after the word "court" at the end of line 27, the following:

"And said land shall be assessed for taxes and the taxes collected thereon by the proper officers of each of said respective counties under the provisions of existing laws."

The amendment was read and adopted.

Amend the caption, line 10, after

the word "right" at the end of said line and before the word "and" by adding the following: "And providing for assessment of said land for taxation and the collection of taxes thereon."

The amendment was read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 296 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Small.
DeBerry.	Stevenson.
Gainer.	Thomason.
Greer.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Parr.	

Absent.

Hyer.	Russek.
Martin.	

Absent—Excused.

Hardin.	Neal.
Moore.	

The bill was read third time and finally passed by the following vote:

Yeas—24.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Parr.	Woodward.

Present—Not Voting.

DeBerry.

Absent—Excused.

Hardin.	Moore.
Hyer.	Neal.
Martin.	Russek.

Senate Bill No. 341.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 341, A bill to be entitled "An Act to authorize H. L. McKee, his heirs, legal representatives, and assigns, to construct, maintain and operate a bridge across Lake Sabine at or near Port Arthur, Texas, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Cousins, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 341 was put on its third reading and final passage, by the following vote:

Yeas—22.

Beck.	Miller.
Berkeley.	Parr.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Woodul.
McFarlane.	Woodward.

Nay—1.

Westbrook.

Absent.

Hyer.	Russek.
Martin.	Witt.
Parrish.	

Absent—Excused.

Hardin.	Neal.
Moore.	

The bill was read third time and finally passed.

Senator Woodward moved to reconsider the vote by which the bill was finally passed and spread the motion on the Journal.

Adjournment.

On motion of Senator Greer, the Senate, at 5:10 o'clock p. m., adjourned until 10:00 o'clock Friday morning.

APPENDIX.

Petitions and Memorials
(TELEGRAM)

23--Jour.

Rowlett, Texas, Feb. 13, 1929.

Hon. Thomas B. Love,

Senator,

Austin, Texas.

As public weigher Garland, Texas all in favor of bill now pending before your body and if your conscience will permit urge you to give same your support.

O. L. KIMBRELL.

Dallas, Texas, Feb. 13, 1929.

Senator Tom B. Love,

Capitol Station,

Austin, Texas.

Dear Senator Love:

I take the liberty of writing you requesting that you do all that is in your power to try and get a reduction of at least 50% in our automobile license fees.

As you no doubt are aware these fees are out of line as compared with the license fees of the neighboring states. We hear of many cases of Texas people buying their license in some of the neighboring states, as they can do so at about half the cost of a license here, and they seldom are caught. We do not believe the state would lose a great deal by reducing these taxes.

Again asking that you do your utmost to bring about this action, I am

Yours very truly,

Geo. V. Launey, H. K. Altick Jr.,
D. A. Altick, Claud Croft, Wm. S.
Ballantyne, H. C. Salter, R. Roggen-
boor, O. M. Miller, M. L. Mangrum.

Eastham State Farm
Unit of
Texas Prison System.

Weldon, Texas, Feb. 12, 1929.

Senator W. R. Cousins,

Beaumont, Texas.

Dear Brother:

Every day, since your election to the Senate I have thought I would write you a letter of congratulation but we postpone the complimenting our friends in their attainments until we need them. While my request in this particular instance is purely unselfish and is in the interest of almost five thousand prisoners who need relief.

I am enclosing you a copy of what in my judgment is needed by way of legislation. Perhaps, you have already received a copy. The Eastham State Farm at Weldon,

Texas, has almost five hundred young men most of whom are sentenced under the indeterminate sentence law, which is a joke and a false pretense in this State. Prominent jurists send men here with the impression that the minimum sentence served with a clear record will release them. They do the right thing, make model prisoners only to have every hope blighted and blasted by the empty echo of an in-operative indeterminate sentence law.

Senator, this State needs an automatic parole law. Others states have one, at least those of progress. There is very little encouragement for a prisoner with much time, to do the right thing. Take hope out of the heart of man and you have character that is desperate, hence they escape and will continue to do so, which costs the state heavily each year; in an effort to recapture.

I want you during this Session to introduce and fight thru the necessary legislation to promote hope among these men, which can be done only by an automatic parole law. Should you need me in your effort, wire me and I will come.

Your sincere friend,
JAMES B. NATIONS.

Fort Worth, Texas, Feb. 14, 1929.
To the Hon. Presiding Officer and
Members of the Senate of the
State of Texas:

The Jefferson League of Tarrant County, Texas, extends an invitation to you and each of you to be present at a meeting of the League at 7:30 p.m. on the 26th day of February, 1929, at Fort Worth, to hear an address to the League by Hon. Joseph Weldon Bailey.

Invitations have been extended to outstanding citizens, as well as the general public, to be present and hear the address in support of the principles and purposes of the League that are set forth in the preamble of the League's Constitution, as follows:

"To assist the Democratic Party to be a more coherent, disciplined and effective agent of government, than any other party, by teaching and supporting the unchangeable principles of moral conduct, enunciated by Thomas Jefferson in the Declaration of Independence and in the Statute of Virginia for Religious Liberty; and to forever honor the

name and memory of Thomas Jefferson, this association of voters is organized under the name of the Jefferson League.

All membership pledges to the Jefferson League are to be agreeable with, and interpreted by, said principles; the substance of which are these:

(1) To obtain the greatest sum of happiness is the supreme end pursued by every person.

(2) To pursue this end, every person's opportunities must be equal to the opportunities of every other person.

(3) Among these opportunities, are the rights of life, liberty and worship.

(4) To equilly protect all of these opportunities is the only authority for government to restrict any person's opportunities; and any further restriction is without this authority."

Respectfully yours,

WILL L. SARGENT,

Secretary.

Tarrant County Jefferson League.

Read and, on motion of Senator Love, ordered printed in the Journal.

San Antonio, Texas, Feb. 12, 1929.

Senator W. A. Williamson, and
Five Members of House of Representatives from Bexar County,
Austin, Texas.

Gentlemen:

The order of the Sons of Texas, by and through its duly elected and qualified executive committee, hereby enters its solemn protest against the passage of the bill now pending before the Legislature of Texas, providing for the sale to the State of Oklahoma the strip of land located in Red River Bottom, the title to which was adjudged by the Supreme Court to be in the State of Texas. And this order does most firmly and sincerely request you to use your good efforts to defeat the passage of this measure when same reaches the floor of the Senate and House of Representatives, respectively. We most heartily endorse the attitude taken by our esteemed Miss Adina De Zavala, Historian General of Texas Historical and Landmark Association, and The Daughters and Sons of the Heroes of Texas, regarding said measure.

Sincerely,

Order of the Sons of Texas,

A. G. FLORES, Chairman.

Feliz Quiroz, Melguidades Gutierrez,
Executive Committee.
(SEAL)

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Feb. 14, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 407 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 14, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 88 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 14, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Agriculture, to whom was referred S. B. No. 482, A bill to be entitled "An Act providing for dairy research work and soil research and cooperative fertilizer experiments to be carried on through two sub-experiment stations in East Texas under the direction of the A. & M. College Experiment Station; making an appropriation for same; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, Feb. 14, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 473, A bill to be entitled "An Act making an appropriation to pay the mileage and per diem of the Presidential Electors of Texas for the year 1929, and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass, and be printed.

POLLARD, Chairman.

Committee Room,
Austin, Texas, Feb. 14, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 382, A bill to be entitled "An Act making an appropriation to secure sites and erect monuments on certain historic spots in the State; providing for the appointment by the Governor of a committee to carry out the purpose and intent of this Act, and appropriating a sum of money sufficient to pay the actual traveling and living expenses of said committee while engaged in said work; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

POLLARD, Chairman.

Committee Room,
Austin, Texas, Feb. 14, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 499, A bill to be entitled "An Act validating the appointment of guardians when citation was posted as provided in Article 4064 of the Vernon's Sayles' Texas Civil Statutes of 1914, or as provided in Article 4115 of the Revised Civil Statutes of 1925, and where such citation was not published as provided in Chapter 179, Acts Regular Session of the Thirty-fifth Legislature, being Article 28 of the Revised Civil Statutes of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, Feb. 14, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 75, A bill to be entitled "An Act to amend Articles 1819,

1821 and 1824, Revised Statutes of the State of Texas, 1925.'

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1929.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 106, A bill to be entitled "An Act amending Article 2104 of the Revised Civil Statutes of the State of Texas, as recodified and adopted at the Regular Session of the Thirty-ninth Legislature, 1925, relating to the appointment of jury commissioners to select petit jurors; providing for their compensation; prescribing their qualifications; and providing that the number appointed shall not be less than three and not more than five, in the discretion of the district judge, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 442, A bill to be entitled "An Act authorizing banks to pay out of funds of deceased persons funeral and burial expenses under certain circumstances without waiting until the will is probated, enacting certain exceptions and provisions, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 487 A bill to be entitled "An Act prohibiting the taking from public lands in this State of the remains or bones of pre-historic animals or fossils, except pursuant

to a permit from the Commissioner of the General Land Office and under the conditions prescribed in this Act; prescribing regulations and conditions under which such remains, bones or fossils may be taken; requiring a bond to be furnished and a fee to be paid; prescribing the duties of the Commissioner of the General Land Office in reference to the subject matter of this Act; and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 481 A bill to be entitled "An Act to levy and collect annually a five dollar road tax against all able-bodied male citizens of Lee County who are subject to road work under the General Laws of this State, who are between the ages of twenty-one and forty-five years; providing the manner of assessment and collecting of said tax, and providing further for a penalty for failure or refusal to pay such tax; repealing all laws in conflict therewith; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 352 A bill to be entitled "An Act to create the office of State Electrical Inspector to be attached to the Fire Insurance Department Board of Insurance Commissioners Office of the State of Texas; providing for his appointment; prescribing his qualifications and duties; fixing his salary; making appropriations for such, together with traveling and incidental expenses for the fiscal year ending

August 31st, 1929; providing for assistants; prohibiting the charging of fees; providing for official entry into records of electrical inspectors of incorporated cities, towns and villages; providing all matters, things incidental to the main purpose of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 447 A bill to be entitled "An Act making better provision for the payment of salaries of school teachers in independent school districts; providing for the payment of interest where such salaries are not paid within thirty days after they become due; defining a school month to be used as a basis for the payment of such salaries; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HORNSBY, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic to whom was referred S. B. No. 518 have had same under consideration and beg to report it back with the recommendation that it do pass with committee amendment and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 445 A bill to be entitled "An Act to clarify and make adequate the law regulating water control and improvement districts, and to cause the same to comport with Section 59 of Article 16 of the

Constitution of Texas; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with recommendation that it do pass with committee amendment and be printed.

STEVENSON, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred S. B. No. 511 by Westbrook, have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

CUNNINGHAM, Chairman.

By Westbrook. S. B. No. 511.

A BILL

To Be Entitled

An Act to establish and maintain an agricultural experiment station in the Fifth Senatorial District of Texas, authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station, and empowering said Board of Directors to establish and maintain the same, to accept donations of land, water, and money for the establishing said station, and for the operation of same, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section. 1. That the Board of Directors of the Agricultural and Mechanical College of Texas, are hereby authorized and empowered to establish and maintain an agricultural experiment station in the Fifth Senatorial District of Texas, for the purpose of making scientific investigations and experiments in the study of dairying and dairy problems applicable to that region, the study of economics in the production and utilization of feeds, including grazing and feeding, and for the purpose of studying the other impending agricultural problems of that region relating to the dairy industry.

Sec. 2. The Board of Directors of the Agricultural and Mechanical College of Texas are hereby author-

ized and empowered to secure a suitable site for the location of said agricultural experiment station, to be located in the Fifth Senatorial District of Texas and on Houston black soil and representative of the region it is established to serve. The said Board of Directors are authorized to accept donations of land, water and money for the establishment and maintenance of said station, and to use the appropriations herein made for the purchase of suitable lands and the erection of necessary buildings and equipment.

Sec. 3. The agricultural experiment station herein provided for shall be under the general direction and supervision of the Board of Directors of the Agricultural and Mechanical College of Texas, and be operated and conducted by the Directors of Experiment Stations as all other State experiment stations are now conducted.

Sec. 4. The fact that milk production is now generally recognized as the most feasible and practicable method of bringing about that diversification of agriculture in the Fifth Senatorial District of Texas which is so necessary to the economic well-being of that vast region, and the further fact that most of the farmers of said region, many thousands of whom are now entering the business of producing milk for the first time, are not fully acquainted with the best accepted methods of dairy farming, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule which requires all bills to be read on three several days, and this rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

H. B. No. 319, by Bradley, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

WESTBROOK, Chairman.

By Bradley.

H. B. No. 319.

A BILL

To Be Entitled

An Act to amend Chapter 42, of the Acts of the Thirty-ninth Legislature, passed at its Regular Session, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 42, of the Acts of the Thirty-ninth Legislature, passed at its Regular Session, be amended so as to hereafter read as follows:

"Section 1. Any person, or any agent or employee of any person, firm or corporation who shall hereafter employ any child under the age of fifteen years to labor in or about any factory, mill, workshop, laundry, or in messenger service in towns and cities of more than fifteen thousand population, according to the preceding Federal census, shall be fined not less than Twenty-five Dollars nor more than Two Hundred Dollars, or be imprisoned in jail for not more than sixty days.

Sec. 2. Any person, or agent, or employee of any person, firm or corporation who shall hereafter employ any child under the age of seventeen years to labor in any mine, quarry, or place where explosives are used, or who, having control or employment of such child, shall send or cause to be sent, or who shall permit any person, firm or corporation, their agents or employees to send any such child under the age of seventeen years to any disorderly house, bawdy house, assignation house, or place of amusement conducted for immoral purposes; the character or reputation of which could have been ascertained upon reasonable inquiry on the part of such person, firm or corporation having the control of such child shall be fined not less than Fifty Dollars nor more than Five Hundred Dollars, or be imprisoned in jail not to exceed sixty days.

"Sec. 3. It shall be the duty of every person, firm, or corporation, their agents or employees, doing a messenger or delivery business, or whose employees may be required to deliver any message, package, merchandise or other thing, having in their employ or under their control,

any child under the age of seventeen years, before sending any such child on such errand, to first ascertain if such child is being sent or is to be sent to any place prohibited in Section 2 of this Act. Failure or refusal to comply with this Section shall subject any person, or the agents or employees of any person, firm or corporation, having the control of such child or children, to the penalties provided in Section 2 of this Act.

"Sec. 4. Any person, firm or corporation, their agents or employees, having in their employ or under their control any child under the age of fifteen years, who shall require or permit any such child to work or be on duty for more than eight hours in any one calendar day, or for more than forty-eight hours in any one week, or who shall cause or permit such child to work between the hours of 10:00 p. m. and 5:00 a. m. shall be fined not less than Twenty-five Dollars nor more than Two Hundred Dollars, or be imprisoned in jail not to exceed sixty days.

"Sec. 5. Upon application being made to the county judge of any county in which any child over the age of twelve years shall reside, the earnings of which child are necessary for the support of itself, its mother when widowed or in needy circumstances, invalid father, or of other children younger than the child for whom the permit is sought, the said county judge may upon the affidavit of such child or its parents or guardian, that the child for whom the permit is sought is over twelve years of age, that the said child has completed the fifth grade in a public school, or its equivalent, and that it shall not be employed in or around any mill, factory, workshop, or other place where dangerous machinery is used, nor in any mine, quarry or other place where explosives are used, or where the moral or physical condition of such child is liable to be injured, and that the earnings of such child are necessary for the support of such invalid parent, widowed mother or mother in needy circumstances, or of younger children, and that such support cannot be obtained in any other manner, and that suitable employment has been obtained for such child, which

affidavit shall be accompanied by the certificate of a licensed physician showing that such child is physically able to perform the work or labor for which the permit is sought, issue a permit for such child to enter such employment. Every person, firm or corporation employing any such child between the ages of twelve years and fifteen years shall post in a conspicuous place where such child is employed, the permit issued by the county judge; provided that no permit shall be issued for a longer period than twelve months, but may be renewed from time to time upon satisfactory evidence being produced that the conditions under which the former permit was issued still exists, and that no physical or moral injury has resulted to such child by reason of its employment. In every case where a permit is sought for any child between the ages of twelve years and fifteen years, the parent, guardian or other person in charge or control of such child shall appear before the county judge in person with such child for whom a permit is sought before such permit shall be issued. Nothing in this Act shall prevent the working of school children of any age from June 1 to September 1 of each year except that they shall not be permitted to work in factory, mill workshop, and the places mentioned in Sections 2 and 5 of this Act; nor shall their hours of labor conflict with Section 4 of this Act.

"Sec. 6. The Commissioner of Labor Statistics, or any of his deputies or inspectors shall have free access during working hours to all places where children or minors are employed, and any owner, manager, superintendent, foreman or other person in authority, who shall refuse to admit, or in any way hinder or deter the said Commissioner or any of his deputies or inspectors from entering or remaining in such place, or from collecting information with respect to the employment of children as provided in this Act, shall be fined not less than Twenty-five Dollars nor more than One Hundred Dollars.

"Sec. 7. Provided that nothing in this Act shall be construed as prohibiting the employment by any person of nurses, maids, yard-servants, or others for private homes

and families, regardless of their ages, nor apply to those engaged in agricultural pursuits. Nothing in this Act shall apply to the employment of children for farm labor, or to hours which children may work on farms, nor shall anything in this Act be construed as affecting the employment of children on farms, ranches, dairies, or other agricultural or stock-raising pursuits, nor shall any person be guilty under this Act where the child employed is permitted to work under the provisions of this Act.

"Sec. 8. All laws or parts of laws in conflict herewith are hereby repealed.

"Sec. 9. If any of the provisions of this Act shall be declared by proper judicial action to be unconstitutional, that fact shall not operate to invalidate other provisions of the bill."

Sec. 10. The fact that the present law governing the employment of children is so worded as to require all of the exceptions to be negated in drawing indictments, informations or complaints, as recently held by the Court of Criminal Appeals, and the further fact that the present Act will render it unnecessary to so negate such exceptions, and will remove all technicalities from the prosecutions of those unlawfully working children, and the necessity for simplifying the law so as to make its enforcement easy, and to prevent reversals on account of defective pleadings, creates an emergency, and an imperative public necessity, that the Constitutional rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 517, A bill to be entitled "An Act appropriating to the University of Texas all inheritance taxes to be assessed against the estate of E. D. Farmer, deceased, providing that the amount of said taxes may be paid directly to the Board of Regents of the University of Texas, to be held and administered

by said Board of Regents, as a special fund to be known as the E. D. Farmer International Scholarship Fund; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Wirtz, Small, Hyer, S. B. No. 517.
Woodward, Witt,
Martin, Love,
Woodul, Holbrook,
Miller.

A BILL

To Be Entitled

An Act appropriating to the University of Texas all inheritance taxes to be assessed against the estate of E. D. Farmer, deceased; providing that the amount of said taxes may be paid directly to the Board of Regents of the University of Texas, to be held and administered by said Board of Regents as a special fund to be known as the E. D. Farmer International Scholarship Fund; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That all inheritance taxes to be assessed against the estate and legatees of E. D. Farmer, deceased of Parker County, Texas, be, and they are hereby, appropriated to the University of Texas.

Sec. 2. The Comptroller of Public Accounts is directed to appraise said estate forthwith, and certify to the Board of Regents the largest amount that might be assessed as inheritance taxes. Said amount may be paid directly to the Board of Regents of the University of Texas in cash or approved securities, within the discretion of said Board of Regents, and upon such payment, any liability of said estate, the legatees and beneficiaries of the will of said E. D. Farmer, deceased, or the executor of said will, for inheritance taxes to the State of Texas is thereupon terminated. And the Board of Regents shall certify to the tax collector of Parker County that said taxes have been paid, and said certificate shall be then recorded by said tax collector, and shall operate as a release of the State's lien for inheritance taxes.

Sec. 3. The money so paid in

discharge of said tax liability shall constitute and be part of a special fund to be known as the "E. D. Farmer International Scholarship Fund." The fund shall be administered by the Board of Regents of the University of Texas, and they are hereby created trustees thereof. The income from said fund shall be used by said Board for the purpose of providing scholarships in the University of Texas to students from the Republic of Mexico, and providing scholarships in the National University of Mexico to students of the University of Texas. Within the discretion of the Board of Regents of the University of Texas, a portion of said income may be used at any time to further the exchange of instructors between the University of Texas, and the said National University of Mexico. All such scholarships as may be provided by said income shall be competitive and the awards thereof shall be made in a manner to be determined by the Executor of the will of the said E. D. Farmer, deceased.

Sec. 4. The fact that by complying with this Act the said Executor will be making a substantial gift to the University of Texas largely in excess of the amount likely to be due the State under the law as inheritance taxes upon the distribution of the estate and the importance of having said available to the University at the earliest possible date creates an emergency and an imperative public necessity, that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred

S. B. No. 522, A bill to be entitled "An Act to amend Chapter No. 60 of the Acts of the General and Special Laws of the Fortieth Legislature, First Called Session, Approved June 6th, 1927, amending Section No. Two of said Chapter, so as to provide that the District Attorney of the 90th Judicial District of Texas, may employ in lieu of an Assistant District Attorney, a stenographer, and providing that said

Act shall take effect from the date of its passage, and declaring an emergency."

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal.

Respectfully submitted,
WIRTZ, Chairman.

By Cunningham. S. B. No. 522.

A BILL

To Be Entitled

An Act to amend Chapter No. 60 of the Acts of the General and Special Laws of the Fortieth Legislature, First Called Session, approved June 6th, 1927, amending Section No. Two of said Chapter, so as to provide that the District Attorney of the 90th, Judicial District of Texas, may employ in lieu of an Assistant District Attorney, a stenographer, and providing that said Act shall take effect from the date of its passage, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section No. Two of Chapter No. Sixty of the Acts of the General and Special Laws of the Fortieth Legislature of the State of Texas, Approved June 6th, 1927, be so amended as to hereafter read as follows:

Sec. 2. Said District Attorney may appoint a stenographer to assist said District Attorney for said 90th Judicial District whose salary shall not exceed the sum of Fifteen Hundred (\$1500.00) Dollars per annum, and which shall be paid out of the general funds of Stephens County, at such time and on such terms and conditions as may be prescribed by the Commissioners' Court of Stephens County.

Sec. 3. The fact that the District Attorney for the 90th Judicial District of Texas has no assistant District Attorney, and the crowded condition of the business of the office and the need of assistance of a stenographer in said office, creates an emergency and imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that said Act take effect and be in force from and after its passage and it is so enacted.

In Memory
of
Honorable James M. Swayne

(Senator Hyer offered the following resolution:)

WHEREAS, On February 11, 1929, in the city of Austin, Texas, after a long and useful life as a citizen and public official of the State of Texas, the Honorable James W. Swayne departed this life: and

WHEREAS, Judge Swayne served the city of Fort Worth as its Attorney for a period of two years, and served as County Attorney of Tarrant County for a period of four years, and as Judge of the 17th District Court of Tarrant, Texas, for a period of about six years; and

WHEREAS, He distinguished himself as a member of the State Senate during the administration of Governor Hogg and became the floor leader of the Senate for the Governor during this administration; and

WHEREAS, He has served during the past three years of his life very efficiently and conscientiously as a member of and as Chairman of the State Industrial Accident Board; and

WHEREAS, The State of Texas has lost in the death of Judge Swayne a great public servant and one of its most distinguished and patriotic citizens, a man loved and esteemed by all who knew him;

THEREFORE, BE IT RESOLVED: That the Senate of Texas extends to his family and loved ones in their bereavement their heartfelt sympathy; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be forwarded to his family and that a page of the Senate Journal be set aside in honor of his memory; and

BE IT FURTHER RESOLVED: That when the Senate adjourns on the 14th day of February, A. D. 1929, that it do so in honor of the Hon. James W. Swayne.

The resolution was read and was unanimously adopted by a rising vote.